

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LAMONT OVERBY,

Petitioner,

v.

JOHN E. WETZEL, et al,

Respondents.

CIVIL ACTION
NO. 11-5616

ORDER

AND NOW, this 30th day of May 2025, upon consideration of Petitioner Lamont Overby's Petition for a Writ of Habeas Corpus (Doc. Nos. 14, 19), the Response in Opposition filed by Respondents (Doc. No. 29), Petitioner's Reply in Support (Doc. No. 34), the Notice of New Authority submitted by Petitioner (Doc. No. 35), the Report and Recommendation of Magistrate Judge Pamela A. Carlos dated May 1, 2025 (Doc. No. 36) to which no objection has been filed, and the pertinent state court record, it is **ORDERED** as follows:

1. The Magistrate Judge's Report and Recommendation (Doc. No. 36) is **APPROVED AND ADOPTED**.
2. The Petition for a Writ of Habeas Corpus (Doc. Nos. 14, 19) is **GRANTED** on the claim for a violation of Petitioner's Sixth and Fourteenth Amendment rights by automatically excluding prospective jurors based solely on the fact that they had incarcerated family members, and his appellate counsel was ineffective for failing to pursue this claim further.
3. The remaining claims are **DISMISSED as MOOT**.
4. Respondents did not file an Objection to the Magistrate Judge's Report and Recommendation.

5. The Commonwealth of Pennsylvania is directed to **RETRY** or **RELEASE** Petitioner within 180 days of this Order.
6. There is no probable cause to issue a certificate of appealability on the dismissed claims.
7. The Clerk of Court shall mark this case as **CLOSED**.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.